



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

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Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: August 17, 2022

05

TO: Board of Supervisors

SUBJECT

GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD, AND AN IRREVOCABLE OFFER OF DEDICATION FOR PORTIONS OF ALTA ROAD, LONE STAR ROAD, AND AN UNNAMED ROAD IN THE EAST OTAY MESA COMMUNITY PLAN AREA (VACATION NO. 2022-0011) (DISTRICT: 1)

OVERVIEW

The Asset Management Division of the Department of General Services is processing a request to summarily vacate a portion of Otay Mesa Road, and an Irrevocable Offer of Dedication (IOD) for portions of Alta Road, and Lone Star Road, which are all county-maintained roadways; and an IOD for an unnamed local County-maintained industrial road that has not been constructed. A summary vacation is a streamlined process by which a public road, offer of dedication for a public road, or public service easement is abandoned through one action where public noticing is not required. A summary vacation may be requested by the public if the easement interests are found to be excess to County of San Diego (County) needs and are not required for the purposes for which they were obtained. In many cases, vacating a public road, an offer of dedication for a public road, or a public service easement can be a public benefit through improved use of the land made available by the vacation.

The applicant has requested to vacate two portions of the northerly side of Otay Mesa Road, and an IOD for portions of the west side of Alta Road, the south side of Lone Star Road, and the east side of an unnamed local industrial road that encumber their property. The property is located in an industrial area at the northwest corner of Otay Mesa Road and Alta Road, within the East Otay Mesa Community Plan Area in the unincorporated community of East Otay Mesa. The vacated areas are excess because the remaining roadways will be in accordance with the Mobility Element per the General Plan. This vacation will allow the owner to expand industrial development where the site is zoned for heavy industrial uses such as manufacturing operations, wholesale storage and distribution manufacturing, salvage yards and outdoor storage.

Today's request is for the Board of Supervisors to adopt a Resolution to summarily vacate two portions of Otay Mesa Road, and an IOD for portions of Alta Road, Lone Star Road, and an unnamed road, which are excess right-of-way not required for street or highway purposes.

SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD, AND AN IRREVOCABLE OFFER OF DEDICATION FOR PORTIONS OF ALTA ROAD, LONE STAR ROAD, AND AN UNNAMED ROAD IN THE EAST OTAY MESA COMMUNITY PLAN AREA (VACATION NO. 2022-0011) (DISTRICT: 1)

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find the proposed vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the action would result in the summary vacation of a public right-of-way easement that is not needed for public road purposes and will not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA as defined in section 15378.
2. Adopt a Resolution entitled: RESOLUTION TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD, AND AN IRREVOCABLE OFFER OF DEDICATION FOR PORTIONS OF ALTA ROAD, LONE STAR ROAD, AND AN UNNAMED ROAD IN THE EAST OTAY MESA COMMUNITY PLAN AREA (VACATION NO. 2022-0011).
3. Direct the Clerk of the Board to record the Resolution for Vacation No. 2022-0011 pursuant to State of California Streets and Highways Code Section 8336.

EQUITY IMPACT STATEMENT

The removal of encumbrances from private lands that are no longer needed for public road purposes will provide an overall public benefit and improve use of the land made available by the vacation. The proposed summary vacation is located in an industrial area and will allow parcel owners that were impacted by the encumbrances to better use their property. The existing surrounding road system will continue to provide adequate access for all properties located near the proposed vacation and the summary vacation would not preclude future development.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in the Department of General Services. If approved, this request will result in estimated costs and revenue of \$4,000 to process the proposed summary vacation. The funding source is a deposit from the applicant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The owner of Assessor's Parcel Number (APN) 648-040-13, located at the northwest corner of Otay Mesa Road and Alta Road in the East Otay Mesa area, has requested to summarily vacate a portion of Otay Mesa Road, which is a county-maintained roadway. The applicant is also requesting vacating an Irrevocable Offer of Dedication (IOD) for portions of Alta Road; and Lone Star Road (also known as Select Collector 2340 based on the General Plan Mobility Element,

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Circulation Element Specific Plan), which are also county-maintained roadways; and an IOD for the future unnamed local County-maintained industrial dirt road that has not been constructed, and that encumbers a portions of their property.

The subject property is in the unincorporated community of East Otay Mesa within the East Otay Mesa Community Planning Area (Attachment A). The portions of the subject property to be vacated as described in Attachment B, Exhibit A total approximately 1.56 acres and are depicted in Attachment B, Exhibit B. The result of this summary vacation would provide Lone Star Road with a 49' southerly half width, Alta Road with a 49' westerly half width, and Otay Mesa Road with a minimum of 49' northerly half width, coincident with the subject property.

The road easement for Otay Mesa Road to be partially summarily vacated was granted to the County of San Diego (County) on September 22, 2005, in a document recorded in the Office of the County Recorder of San Diego County, California, as Document No. 2005-0819333, of Official Records (OR). The IOD to be summarily vacated was granted to the County on September 22, 2005, in a document recorded in said County Recorder's Office, as Document No. 2005-0819334, OR. The subject parcel would not be land locked by the proposed vacation.

The portions of Otay Mesa Road and the IOD that are the subject of this vacation request can be determined to be excess right-of-way (ROW) not required for street or highway purposes because there is no present or prospective public use, and no parcel would be land locked as a result of the vacation. The proposed ultimate remaining ROW width of Otay Mesa Road of a minimum of 98-feet is consistent with the East Otay Mesa Specific Plan, which establishes standards for development, environmental conservation, and public facilities to implement the objectives of the County General Plan.

The property is zoned for heavy industrial uses intended primarily for wholesale storage and distribution, recycling plants, salvage yards, outdoor storage, and general industrial uses. Heavy industrial land use is defined as industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of materials and products. The heavy industrial designation is applied to areas north of Otay Mesa Road and adjacent to Alta Road. Heavy industrial uses are concentrated within the East Otay Mesa area to not affect residential uses, schools and other civic uses.

A Major Use Permit (MUP 00-012) for this property was approved by the Board on July 9, 2003, for an auto processing and auto auctioning yard. Three Major Use Permits for Minor Deviations have been approved by the Director of PDS for minor modifications including the removal and relocation of proposed structures, reconfiguration of onsite driveways, interior fencing and lighting and reductions in the proposed grading quantities. The Major Use Permit provides road improvements consistent with the General Plan in this location. The intent and purpose of a Major Use Permit is to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and where necessary, the imposition of special conditions of approval.

SUBJECT: GENERAL SERVICES - ADOPT RESOLUTION TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD, AND AN IRREVOCABLE OFFER OF DEDICATION FOR PORTIONS OF ALTA ROAD, LONE STAR ROAD, AND AN UNNAMED ROAD IN THE EAST OTAY MESA COMMUNITY PLAN AREA (VACATION NO. 2022-0011) (DISTRICT: 1)

The applicant would like the vacated portions of roadway, as it will allow them to better use the property for their business. If the vacation is not granted, the project applicant will need to adjust their development to avoid the existing easements, however, the owner may still use the property for heavy industrial uses.

Therefore, the Board may find that these portions may be summarily vacated pursuant to State of California Government Code Section 7050 and Streets and Highways Code Section 8334 because they are determined to be excess and are no longer necessary to be retained by County for any present or prospective public use. A summary vacation of a road or IOD may be requested by the public if the road or IOD are found to be excess right-of-way not required for road purposes. A road vacation can provide an overall public benefit through improved use of the land made available by the vacation

This request is to take the necessary actions to summarily vacate portions of the public road easement and IOD pursuant to Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code section 8300 et seq. (Act), which establish procedures where a legislative body may initiate proceedings to summarily vacate a public street, highway, right-of-way, IOD, or public service easement that is not required for street or highway purposes. The summary vacation of the public road easement or IOD can be completed by Board of Supervisors (Board) approval, adoption, and recordation of the RESOLUTION TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD, AND AN IRREVOCABLE OFFER OF DEDICATION FOR PORTIONS OF ALTA ROAD, LONE STAR ROAD, AND AN UNNAMED ROAD IN THE EAST OTAY MESA COMMUNITY PLAN AREA (VACATION NO. 2022-0011) (DISTRICT: 1), attached as Attachment C.

Under the Act, the following findings must be made by the Board to approve the proposed summary vacation:

1. The public road easement and IOD are considered excess ROW of a street or highway not required for street or highway purposes because there is no present or prospective public use, and no parcel would be land locked as a result of the vacation. The proposed ultimate remaining ROW width of 98-feet is consistent with the East Otay Mesa Specific Plan which designates Otay Mesa Road, Alta Road, and Lone Star Road as 98-foot wide four-lane Major Roads. Furthermore, highway easements for Otay Mesa Road, Alta Road, and Lone Star Road on adjacent parcels have been dedicated and widened to the ultimate 98-foot ROW width. Therefore, the Board may find that these portions may be summarily vacated pursuant to State of California Government Code Section 7050 and Streets and Highways Code Section 8334 because they are determined to be excess and are no longer necessary to be retained by County for any present or prospective public use.

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2. Pursuant to California Streets and Highways Code section 8334.5, the Board is required to ensure that the vacation will not affect in-place public utility facilities. There are no in-place public utility facilities in use that would be affected by the proposed vacation.
3. Pursuant to California Streets and Highways Code sections 892 and 8314, consideration of the public road easement and IOD for non-motorized transportation use must be reviewed before the vacation can be approved. The County's Department of Parks and Recreation has determined that the public road easement and IOD to be summarily vacated are not needed for trail purposes.
4. Pursuant to California Streets and Highways Code section 8313 and California Government Code section 65402, the Board shall consider the General Plan prior to vacating a right-of-way. Staff from the County of San Diego's (County) Department of Planning & Development Services has reviewed the proposed summary vacation and determined that it is in conformance with the San Diego County General Plan because it does not conflict with the General Plan's Mobility Element.

The proposed summary vacation is in the public interest because there is a public benefit associated with the removal of encumbrances from private lands that are no longer needed for public road purposes. In this instance there would also be a public benefit through improved use of the land made available by the vacation. The existing surrounding road system will continue to provide adequate access for properties located near the proposed public road easement vacation and the summary vacation would not preclude future development.

ENVIRONMENTAL STATEMENT

Find the proposed summary vacation is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and 15060(c)(3) because the actions would not have a reasonably foreseeable direct or indirect effect on the environment and is therefore not a project subject to CEQA section 15378 as it will only result in the vacation of a public road easement and would not result in any physical change in the environment.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed action supports the Community Strategic Initiative in the County of San Diego's 2022-2027 Strategic Plan by promoting opportunities for residents to exercise their right to be civically engaged and find solutions to current and future challenges. The proposed action will summarily vacate portions of a public road easement and IOD that are excess to the County's needs and are unnecessary for public road purposes.

Respectfully submitted,



SARAH E. AGHASSI

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Deputy Chief Administrative Officer

ATTACHMENT(S)

ATTACHMENT A – Location Map

ATTACHMENT B – Vacation Exhibit

ATTACHMENT C – RESOLUTION TO SUMMARILY VACATE PORTIONS OF OTAY MESA ROAD, AND AN IRREVOCABLE OFFER OF DEDICATION FOR PORTIONS OF ALTA ROAD, LONE STAR ROAD, AND AN UNNAMED ROAD IN THE EAST OTAY MESA COMMUNITY PLAN AREA (VACATION NO. 2022-0011), including EXHIBITS “A” and “B”